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AN
EXAMINATION
OF
THELYPHTHORA,

On the SUBJECT of

MARRIAGE.

By JOHN PALMER,
LATE OF MACCLESFIELD.

BIRMINGHAM:

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EXHIBITION



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THESE sheets would have been sooner presented to the public; having been, for the most part, drawn up early in the winter, had not an unsettled state of health prevented.--- They do not enter into the subject of *polygamy* directly, but only *consequential-ly*.---Yet as the fundamental principle of *Thelyphthora*, it is hoped, is compleatly overthrown; the author of that work (who is hereby challenged to reply) must be obliged, at least, to change his ground, in order to lodge his darling in secure intrenchments. But I am very willing to follow him, if the public shall approve what is already done.

I find

I find no disinclination to *examine* his *other* arguments in favour of *polygamy*; nor what he has advanced concerning *Christ's giving no new law*.--- But I shall *attend* to the *feelings* of my fellow-citizens; and not trouble them *further* (if I find it would be *disagreeable*) with a subject, which, most probably, has already become *tiresome*.*

BIRMINGHAM,
May 21, 1781.



THE AUTHOR.

* The references are made to the *first* volume, and the *first* edition.—The *second* edition, will, most probably, sell *slowly*, as the *curiosity* of the public is already pretty well gratified.

I have read his work *repeatedly*; though with great *fatigue*.—And leave it to the *virtuous* ladies, to *thank* our author, for opposing *their* PRIDE to the FRAILTY of the *vicious*.†

† Second edit. pref. page 26.

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A N
E X A M I N A T I O N
O F

THELYPHTHORA, &c.

THE position, that, "Personal union between the sexes, is the *marriage-ordinance* appointed by God," is the foundation-stone of the superstructure, which the author of *Thelyphtora* has erected; to the gratification and delight of many, and the astonishment and grief of more.

If this position be *true*, a woman becomes the *wife* of the man, who has the *first* personal *knowledge* of her. And of consequence (for this is the *avowed* meaning of our author) *any* man *married* or un-

married, may appropriate to himself, under the honourable idea of *wives*, and in perfect consistency with the *divine law*, as many women, who have not *before* known man, as he can prevail upon to indulge his *lust*.*

The *truth* of the position, from which this *alarming* conclusion is drawn, is the subject of our present enquiry.

“When,” says *Tb.*† “the great and all-wise creator had formed man upon the earth, *male and female*, He *blessed them*,

* Our author, however, allows, *inconsistently enough*, that *betrothed* women occasion an exception to his general rule.

But if *betrothing* appropriates a woman, and renders her a *wife*, which our author avers, and which he fairly *proves* to have been the case, by the *ordinance* of God, under the *Mosaic* dispensation, then a man and woman may become husband and wife *without* personal union. Of this more notice will be taken hereafter. — It is surprizing that our author has not deigned to pay the least regard to the case of *widows*.

† *Tb.* denotes the author of *Tbelyphthora*.

“ and



" *and said unto them, be fruitful and multiply, and replenish the earth.* Gen. i. 28.

" This command was to be fulfilled in a way of God's own appointment; that is to say, by *the union of the man and woman in personal knowledge* of each other. " This is the only *marriage-ordinance* which we find revealed in the sacred scriptures."*

It is a very unfortunate affair for an author to trip at the entrance of his work; and to his readers it is always *ominous*.—What will our author say, if here be *no command, no marriage-ordinance, nor any description of the manner of propagation* at all?—I leave the text to the public judgment---" And God BLESSED them, and " God said unto them, Be fruitful and " multiply and replenish the earth." Gen. i. 28.

* Page 18.

B 4

No

No sagacity, but that of our author, could have discovered, that a BLESSING was a *command*. And if here be *no command*, as is most evident, there *can* be *no ordinance*. --- Thus the fine-spun *bypothesis*, which has so long engaged the public attention, is in danger of vanishing into air. And for appointing *personal union*, as the mode of contracting conjugal-affinity, no text is to be found; seeing the *above*, which, *Tb.* says, contains "the *only* marriage-ordinance which *he* finds revealed in the sacred scriptures," is *totally silent* upon the subject.

Thus we see, that *Tb.* sets out, in his voluminous work, with a capital *error*--- to enforce it, he frequently utters the most tremendous outcries and denunciations, against those who do not believe it to be a *truth*. I hope, notwithstanding, to prove that there is much more *revealed* on the subject

subject of *marriage*, than *Tb.* is willing to allow; and that his licentious doctrine is absolutely groundless.

For this purpose, I shall here present my readers, with the account of the *marriage* of our first parents, as given by the sacred historian.

“For Adam there was not found a help-
 “meet for him. And the LORD God
 “caused a deep sleep to fall upon Adam,
 “and he slept: and he took one of his
 “ribs, and closed up the flesh instead there-
 “of. And the rib which the LORD God
 “had taken from man made he a woman,
 “and brought her unto the man. And
 “Adam said, This is now bone of my bone
 “and flesh of my flesh: she shall be called
 “woman, because she was taken out of
 “man. Therefore shall a man leave his
 “father and his mother, and shall cleave
 “unto his wife: and they shall be one
 “flesh.”

“flesh.” — “So God created man in his
 “own image, in the image of God created
 “he him, male and female created he
 “them, And God BLESSED them, and
 “God said unto them, Be fruitful, and
 “multiply, and replenish the earth.” Gen.
 ii. 26, 25, and Gen. i. 27, 28.

Whether we understand *this* account of
 the formation of Eve *literally*; or suppose,
 that Adam *dreamed*, that a woman was
 formed from his side; still it is evident,
 that God created her to be his *wife*, that
 he impressed upon his mind such ideas as
 were calculated to attach him to her, and
 brought and gave her unto him *as a wife*.*

* If any person should object to the idea of an *infinite Being* assuming a *personal form*, I wish him to observe, that the objection does not affect my argument, provided that it be allowed, that *some* Being was authorized to act as the *Representative* of the MOST HIGH on this occasion.—And if *Th.* should say, that the *giving* is not mentioned in the text, I should ask him, what connection there is between the *bringing* and the *blessing* without it.—It is worthy of observation, that *giving* the woman was a custom in the remotest ages.

Thus

Thus the first *matrimonial connection* was formed and *completed*, *without* any sexual intercourse or personal union. I say, *completed*---inasmuch; that had there been another man besides Adam in Eden, and had Eve voluntarily yielded to *his* embraces, *before* personal union with Adam, as well as *after*, she had been an adulteress, and the man an adulterer.

Here is a FORM, in the *first* instance of marriage *previous* to personal union, not to be *equalled*, it is true. But can *Th.* allege any reason, why it should not be imitated, so far that *some previous FORM* be continued? Are not the *actions* of the Deity at least as significant of his intentions as his *verbal* instructions? And where such instructions are not recorded, may we not, with certainty, draw our conclusions from what our Creator has *done*?

Were

Were not the *bringing*, the *giving*, the *blef-
sing*, plain indications of the intention of
God? Could he not, without the previous
steps above recited, have directed the man
and woman to each other, by an *apparent*
accident? And would not the *instinctive*
consequence have sufficiently sanctified the
connection, upon our author's scheme?
Certainly it would.——What solid reason
then can be assigned for an *introductory*
FORM, but the *will* of our heavenly *Father*,
that the personal union should not take
place without one?

It is freely acknowledged, that no *form*
is recorded to have been prescribed at this
time; yet there is some foundation for
believing, that a *general direction* may have
been given. For it is observable, that all
the world over (or *nearly* so) men have *one*
idea in common, respecting the matrimonial
connection; namely, That the personal
union

union *ought* to be preceded by *some* ceremony ; and, without one, the union is *generally* esteemed *unlawful*. An opinion so *universal* is not easily accounted for, but upon the supposition of an *original command* upon this head. And we should remember, that the account of transactions, in this very early period, is extremely *concise* ; and many particulars, very desirable to be known, are omitted.

But whatever becomes of this reasoning, still, however, the *pattern* of the *first* marriage would be, and *ought* to be esteemed sacred. And therefore *some* solemnity used, to create the matrimonial union before matrimonial freedoms. And this solemnity, be it what it may, is universally intended by the term *marriage*. Where the ceremony is foolish and absurd, it is a *bad* imitation of the *pattern* which God originally shewed to the world. But where
 none

none at all is used, we are certainly authorised to say, that the *pair* are not joined together as God *willeth*. Which leads us to these farther conclusions, that their connection is not *lawful*; and that mankind are perfectly right, in the prevailing idea, that *marriage* should *precede* the *personal union*, and is therefore distinct from it.--- What a pleasing reflection is it, that the world continues to show *some* deference to the *example* set before them in the *first* marriage! which was performed with unparalleled solemnity; the *Deity* *presenting* and *giving* the woman to Adam, *previously* to the *natural consequence*, the *personal union*.

Our author however contends that the *rite*, or, as he terms it, the *ordinance*, of marriage, is no other than the act of union itself. Which is only saying in other words, that *no ordinance, nor any rite is necessary*

cessary for contracting conjugal affinity. The *contrary* is, I hope, already shown. Notwithstanding which, I shall proceed to remove the difficulties which our author has thrown in our way.

In order to do this effectually, we must attend to *one* circumstance of the *original marriage*, upon which we have hitherto founded no argument.

Immediately upon God's presenting the woman to Adam, the latter is described as exclaiming, "This is now bone of my
" bone, and flesh of my flesh! she shall be
" called *woman*, because she was taken out
" of man! Therefore shall a man leave fa-
" ther and mother, and shall cleave unto
" his *wife*, and *they* shall be *one* flesh!"
Gen. ii. 23, 24.

The reason of the expression, "*they* shall be *one* flesh!" *Th.* asserts to be, the personal
union.

union. Now if this were *admitted*, as no doubt it *has* been, it follows, "that, *before* personal union, Eve was *not* the wife of Adam, and therefore personal union would be the act of *marriage*." This I deny. The enquiry then is, to what does *therefore* in the above-quoted passage refer?—Upon this head there can be no dispute. It refers to the words which immediately precede, "she shall be called woman, because she was taken out of man!" THEREFORE, *because she was taken out of man*, they shall be one *flesh*; or shall be considered as one *person*. In scripture stile *flesh* very commonly means *person*.† What then is said in the above passage respecting the union of which *Tb.* speaks? Undoubtedly nothing. But the whole refers to the transaction which had taken place, or which Adam *dreamed* to have taken place,

† See Psalm lvi. 4. lxxviii. 39, &c.

during

during his deep sleep ; namely, the formation of the woman out of one of his ribs.

Infidels, and even many christians, have scoffed at this account of the formation of woman ; but I am unable to conceive of *ideas* more conducive to ensure mutual love, and promote mutual felicity in the marriage-state. *The wife being supposed to have originally constituted a part of the husband, is always to be regarded as a part of him ; so that both husband and wife are to be esteemed one flesh, or one PERSON ; each being imperfect without the other.**

* Our author in a note, page 20, would, after *Montanus*, translate רבקה באשתו *adbaerehit in uxore sua*, Gen. ii. 24. Which, on account of the *excessive immodesty* of the idea suggested, the *English* reader must excuse my leaving unexplained. He puts the same construction upon the word Περσικονανθισσαι, by which the LXX. have rendered the Hebrew verb.—Now we find the very same phraseology in *Ruth*, i. 14. “Orpah kissed her mother in law, but Ruth CLAVE UNTO HER, רבקה כה, which, to be consistent with himself, *Tb.* should translate *adbaerehit in ea* !—What kind of *cleaving* is meant, is perfectly well explained

"But," says *Tb.* "that this *oneness* arose
 "from this *act* of *union*, and from the com-
 "mand consequent upon it, that *they*
 "*should be one flesh* is evident, from the
 "*apostle's reasoning*," 1 Cor. vi. 15, 16.

in verses 16, 17, "And Ruth said, Whither thou goest I
 "will go: and where thou lodgest I will lodge: thy peo-
 "ple shall be my people, and thy God my God: where
 "thou diest I will die, and there will I be buried: the
 "LORD so do to me, and more also, if ought but *death*
 "part thee and me."—This passage might have taught
 our author, that רַכַּךְ when applied to *persons*, is a word ex-
 pressive of a connection of *friendship and love*: that the
 LXX. meant more by Προσκολληθήσεται, it is impossible he
 should *know*, as that is a word implying a *close attachment*
or adherence, without restriction to any particular kind of *con-*
nection. *Tb.* farther observes, that in *Matt.* xix. 6. our
 Lord, in the direction "What God hath *joined* together,
 let not man put asunder," uses the word ΣΤΗΝΕΖΕΤΕΝ,
hath joined or yoked together, as the *effect* of the *cause* expressed
 by Προσκολληθήσεται, *he shall cleave or be joined to*. That
 is, according to *Tb.* "A *cleaving or joining to* is the *effect* of
itself!" What criticism is this? Had he insisted, that be-
 ing *joined or yoked together*, implied a necessity of *drawing*
 together, we should have excused the *pun*, and thought he
 had spoken to the purpose.

I wish

I wish to know upon what authority *Th.* supposes, that an *act* of union had taken place, before these words were uttered, There is no mention of any such circumstance. But a much *better* reason is assigned by *Moses* for their being esteemed one *person*.

With respect to the *apostle's* reasoning, it is as follows, " Know ye not that your
" bodies are the members of Christ? shall
" I then take the members of Christ, and
" make them the members of a harlot?—
" God forbid! What, know ye not, that
" he that is joined to a harlot is one body?
" For two, saith he (*on dit*, it is said) *shall be*
" *one flesh*." " This, saith our author, seems
very fully to determine, not only the
strictness of the *marriage-union*, but *that*
which constitutes it in the sight of God.*

* Doth not this also, "*seem, very fully to determine*" that,
if two shall be *one flesh*," three or four, &c. will be *more*
than *one flesh*?

It happens (very *unfortunately* indeed for *Th.*) that the *apostle* neither is, nor *can* be speaking of a *real* marriage-union in this place. A man doth *not*, upon the very principles of *Th.* himself, form a *matrimonial* connection by personal knowledge of a *harlot*. According to the *prevailing* opinion, if both be unmarried, the man commits simple *fornication*; if either be married, he is guilty of *adultery*. But upon the scheme of *Th.* he must necessarily, in *any* case, incur the guilt of *adultery*, by such *knowledge*. For the harlot, if personal-union be the marriage-union, is in reality the *wife* of the man with whom she had the *first* sexual commerce.

The *apostle* in the above passage is persuading the Ephesian converts, not to indulge themselves in *fornication*, (a crime which cannot possibly exist upon our author's

thor's scheme,*) because of the dishonour they would reflect upon *Christ* or *christiani-*

* It is true, that *T. H.* has written a whole chapter upon the subject of fornication and whoredom, p. 45—57. But surely to very little purpose, and with much inconsistency.—He defines *whoredom*, which is the title given to the woman's share of the offence, to be, "A woman's giving her person to a man, without any intent of *marriage*, but either for the mere gratification of *lust*, or for *gain* or *birt*, and departing from that man to others for the *same* purposes," p. 50.—And *fornication* he considers as "The name given to the offence which the man commits in such *illicit* commerce," i. e. the man's having personal union with a woman who yields without intent of *marriage*.—And so here is *something* necessary in addition to such union, notwithstanding we are so often told the *contrary*; and this something, this *intent* is added by the *sole* authority of our author. For says he, p. 47, "Where a man and woman become personally united to each other, they are *one flesh*, and are forbidden to put each other away. This is the ordinance of marriage, and the *only* one which is revealed in the sacred scriptures."—Now if our author has taken the liberty, to add but *one* circumstance to the sexual commerce, as necessary or essential to marriage, he has effectually overthrown himself; and becomes subject to those dreadful charges which he brings against such as deny the *all-sufficiency* of the "simple act of union." And if he quit this ground, and confine himself to his *darling* Act, I defy him to show how the guilt of *fornication* can be contracted.

ty by it. To place the iniquity of their committing this crime in the strongest light possible, he suggests, that they being members of *Christ*, and personal union being the natural consequence of *marriage*, they seemed, by such illicit gratifications, to teach, that *Christ* was married to, and therefore *one with* a harlot; or, in other words, that *christianity* was wedded to *fornication*. Agreeably to this, he argues in the following manner: "Ye are the members
 " of *Christ*, and would you dishonour him
 " by uniting his members with a prostitute? God forbid! For ye know this
 " would be, to unite *Christ* with a harlot.
 " And, as *knowledge* of a woman is an act
 " which supposes *previous marriage*, you
 " *virtually* declare, by this sin, that *Christ*
 " is the *husband* of a harlot. He, therefore,
 " and a harlot would be represented as
 " *one*; for it is said of a husband and a
 " wife, that they shall be considered as one
 " person."

"person." The *apostle's* general idea was this: "If fornication were practised by christians, and seen to arise even out of a religion professedly so pure as that of Jesus, the christian *scheme* would be thought to encourage it, and fornication be supposed to constitute a *part* of the *general plan*; as much as a wife was understood to be a *part* of her husband, in consequence of *Eve's* arising from, or being formed out of *Adam*."

Whether this interpretation be admitted or not, it is already shown, that the *apostle* is not speaking of *real* marriage, and of consequence, not of the *personal union*, as forming matrimonial affinity.

I shall now prove that *St. Paul* understood the words, "they shall be one flesh," in the sense in which I have explained them, and agreeably to their *original* intention.

In

In *Eph.* v. 28, 32, speaking of the love which the husband ought to entertain for the wife, he compares it to that which *Christ* hath for his church; both as to the degree in which it should be exercised, and the reason there is for it. "So ought
 "men to *love* their *wives*, as their own
 "bodies (he that loveth his *wife* loveth him-
 "self) for no man ever yet *hated* his own
 "flesh" (plainly referring to the woman's being formed out of the man) but "nou-
 "risheth and cherisheth it, even as the
 "LORD the *church*." Then he assigns the
 reason of CHRIST's love to his *church*;--
 "For we are members of HIS body, of HIS
 "flesh, and of HIS bones." Of course HE
 loveth his *church*; and, for the same rea-
 son, the man ought equally to love his *wife*.
 "For this cause shall a man leave his fa-
 "ther and mother and shall be joined to
 "his wife; and they two shall be ONE
 "flesh.

"flesh." *For this cause*, on account of his wife's being of his flesh and of his bones, she shall be esteemed as *one person* with her husband; and he shall attach himself to her in preference to his nearest relatives, and even his parents themselves.

Afraid, that his readers should retain the least doubt of the truth of what he has said upon the *first marriage*, and the above-quoted passage from *Corinthians*; our author refers us to two of the *Mosaic* laws, as decisive proofs, that the *personal* union is the *marriage rite* or *ordinance*.

But as we have already seen, that this was not the case in the *first marriage*, and that our author has failed of establishing this point from the *new covenant*, a presumption naturally arises, that he mistakes the evidence which he produces from the *old*.

This evidence we now proceed to consider.

The

The first law is contained in Exod. xxii. 16, 17. "If a man *entice* a *maid* that is *not betrothed*, and *lie* with her, he shall surely endow her to be his wife. If her father *utterly refuse* to give her unto him, he shall pay money according to the *dowry of virgins*."

The comment of *Tb.* on these words is, that the woman was actually become the seducer's wife, and that he should "pay the dower into the hands of the father *after* the marriage, as he ought to have done, and was usually done, *before-hand*,"* though the father *utterly* refused to give her unto him: for, saith he, "the father's consent to the marriage was precluded."† In other words, she was *married*; and the father had nothing further to do in the affair, but to receive the dowry.

* Page 26.

† Page 29.

In order that the reader may the more fully understand the absurdity of this comment, he is desired to observe, that to *endow to be a wife*, means to *contract marriage with dower*: for the dowry-bill, which accompanied the payment, included a matrimonial contract. I shall here present the reader with the translation of a dowry-bill from the Babylonish Talmud, for his more complete satisfaction on this head.

“ Upon the sixth day of the week, in
 “ the fourth of the month *Sivan*, in the
 “ year 5254 of the creation of the world,
 “ according to the computation which we
 “ use here at *Massilia*, a city situated near
 “ the sea-shore, the bridegroom Rabbi
 “ *Moses*, the son of Rabbi *Jebuda*,
 “ said unto the bride-wife *Clarona*, the
 “ daughter of Rabbi *David*, the son of
 “ Rabbi *Moses*, a citizen of *Lisbon*, Be un-
 “ to

“ to me a wife according to the law of
 “ *Moses* and of *Israel*; and I according to
 “ the word of God, will reverence, honour,
 “ maintain and govern thee, according to
 “ the manner of the husband amongst the
 “ Jews, who do reverence, honour, main-
 “ tain and govern their wives faithfully.
 “ I also do bestow upon thee the dower
 “ of thy virginity, 200 deniers of silver
 “ which belong unto thee by law, and
 “ moreover thy food, thy apparel, and suf-
 “ ficient necessities, as likewise the know-
 “ ledge of thee according to the custom
 “ of all the earth.” —

Hence we see that, *he shall surely endow
 her to be his wife*, would mean, if there was
 no power of negation allowed, *he shall be
 compelled to marry her*. But as the law it-
 self allows to the father a right **UTTERLY**
to refuse to give her; it must necessarily be
 understood, that the seducer was only *com-
 pellable* to marry her.

The

The law therefore, if read without attending to the strange and fanciful glosses of our author, will evidently appear to be as follows, viz. "If a man seduce an *untrothed virgin*, he shall be compellable to marry her with dower. And *though* * her father shall forbid and prevent the marriage, the seducer shall not go scot-free, but shall be fined in a sum equivalent to the dowry of her virginity, which he must have paid her, had the marriage taken place."

The law is so clearly expressed, as to admit of no sophistication; and no reader, learned or unlearned, but *Th.* would, I believe, have made an attempt to force out of it any other meaning than that given above; which is nothing to his purpose;

* I have thus expressed what is translated *if*, to show the *futility* of our author's false criticism upon .

but

but on the contrary proves, that the personal union in the case of seduction did *not* constitute marriage, but that a *compulsive marriage*, on the man's part, *might* be the *consequence of it*. Our author's *fort* lies in puzzling a plain case.*

The words with which *Tb.* introduces his examination of the *other* law are these, "Having seen what was to be done where
" a man *enticed a maid* and took actual
" possession of her *against* the father's *con-*
" *sent*," (referring to the *above* law) "let us
" next see what was to be done when a man
" took a maid, without even her father's
" *knowledge*".† What *unnatural* things will
not a love of hypothesis lead some men to

* It is reported that *Tb.* was educated for the *bar*. If so, I am sorry that he should think it right to defend his hypothesis, as he would have done a client whose cause was weak, and therefore in whose behalf he must risk some frivolous pleas, and employ a great deal of sophistry.

† Page 27.

imagine

imagine and advance ! In this passage it is *supposed*, that the intent of seduction (in the case we have been considering) was previously known to the father, that his leave was requested by the seducer, and that the father simply refused his consent, without taking an active part to prevent it. A strange father indeed ! who *ought not* to have had the power of *utterly refusing* his daughter in marriage *afterwards*.

But this most absurd suggestion is intended to prepare the way for a *false* interpretation of the next law adduced to establish the favourite point which *Th.* has in view. Which law is as follows :

“ If a man *find* a damsel that is a *virgin*,
 “ which is *not betrothed*, and *lay hold* on
 “ her, and *lie* with her, and they be found,
 “ the man that *lay with* her, shall give
 “ unto the damsel's father fifty shekels of
 “ silver, and she shall be his wife ; because
 he

"he hath humbled her, he may not put
"her away all his days."

This law, our author looks upon as decisive. *She shall be his wife; because he hath humbled her, he shall not put her away all his days.* "This," says he,* "is clearly explanatory of the original institution, *They shall be one flesh,*" and, "*What God hath joined together* (by pronouncing them one flesh) *let not man* (either the parties themselves or any human power whatsoever) *put asunder.*"

That these words *cannot* be explanatory of the phrase, "*They shall be one flesh,*" is already shown; by the proof which has been given, that this *latter* expression has no reference to the personal union. Besides, "*she shall be his wife,*" is a very unhappy manner of pronouncing an *actual*

* Page 29.

marriage *to have taken place.* Surely, had our author's scheme been just, the words would have been "She is his wife."† But as they stand they imply only that he shall marry her; to which is joined this additional punishment, that he shall *never* be permitted to divorce her.

In the former law the expression is, "He shall *endow* her to be his wife," i. e. he shall be *compellable* to marry her. In the latter it is said, "He shall give unto the damsel's father fifty *shekels* of silver, "and she shall be his wife;" which certainly means neither more nor less than, he shall *endow* her to be his wife.

But the artful turn which *Tb.* has given to the laws of Moses, is in some degree similar to that which he hath given to the

† This observation is equally applicable to the foregoing law.

laws of England. "I am by no means
 "singular, *saith he*, in my view of these
 "things. Our ecclesiastical courts have
 "proceeded on this principle; have called
 "this personal intercourse, previous to any
 "outward ceremony, a marriage *de facto*;
 "and have compelled the parties to a pub-
 "lic RECOGNITION of it *in facie ecclesie*,
 "in the face of the church. See Black-
 "stone's comment. vol. i. 435, 439." A
 person prepossessed in favour of our au-
 thor's scheme, would think that Dr. *Black-*
stone asserted the personal union to have
 rendered marriage unnecessary by our
 laws; provided only, that the parties made
 a public CONFESSIO at church, of such
 union having been *realized* between them.
 but this is all a fiction; and may show the
 necessity of watching our author's *terms*
 narrowly. Dr. *Blackstone's* words are
 these, "Any contract made *per verba de*
 "*presenti*, or in words of the *present*
 "tense;

"tense; and, in case of cohabitation, *per*
 "verba de futuro also, between persons able
 "to contract; was before the late act,
 "deemed a valid marriage to many pur-
 "poses; and the parties might be com-
 "pelled in the spiritual courts to CELE-
 "BRATE it, *in facie ecclesiæ*."—To CELEBRATE *what?* Not the personal union, but marriage. Therefore, whatever the quaint phrase of the spiritual courts* might be, the personal union, if a marriage *de facto*, was not a *real* marriage. It was valid *only* for many purposes, by *English* law: by the *Mosaic*, it was no marriage at all; but merely rendered the man *compellable to marry*. And we find it upon examination, to have been so imperfect by *our* laws, that the CELEBRATION of a *real* marriage (not a RECOGNITION or *acknowledgement* of personal intercourse) might have been *compelled* in order to make it

* These courts, by the bye, *Th.* strongly reprobates.

valid for *all* matrimonial purposes. If an author will misrepresent a *legal institute* within every person's memory, what will he not do, to carry a point, when those of so distant an æra, and so little interesting, are the subject of enquiry? But not to imitate our author's *wanderings* too much, I return to my subject.

In comparing the two laws above treated of, there is a remarkable difference discernable. If a man *enticed* a maid *un betrothed*, and *lay with* her, he was compellable to *marry* her; but he was not restricted the usual privilege of *divorcing her*, any more than *another* wife. If he *found* a virgin, and *lay bold on* her, and *lay with* her, he was, as in the former case, compellable to *marry* her, but was not permitted to divorce *her all his days*.

There must no doubt be some difference in the crimes, to occasion this difference in
the

the punishment. Our author gives us his opinion, concerning the nature of the crime in *both* cases, as follows. "This place of Deut. xxii. 28, 29, is rather to be understood of defiling a maid, that being occasionally laid hold on, did presently yield, not being solicited before hand, and drawn to it by degrees. But Exod. xxii. 16, 17, speaks of such as did entice a maid with promise of marriage, and then defile her. *Clark.*" *

This comment, which *Tb.* has adopted, so materially affects his *system*, that it must not be passed over without notice. His design is, to prove that under the Mosaic dispensation, or by the *Jewish* law, the personal union was understood to be the act of marriage. Yet he, even *he*, speaks of a maid's being *enticed* and *lien with*, in consequence of *PROMISE* of marriage! That

* Page 28.

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is,

is, upon our author's scheme, *married with promise of marriage*. What shall we say of so profound a critic and so clear a reasoner? I must say, that this affords a full proof, that *Tb.* believes and knows a *form of marriage* to have been used amongst the *Jews*, with whom he pretends the act of union to have been the act of marriage; or else he does not possess the happiest abilities for *argumentation*.

We have seen, that *Tb.* distinguishes *seduction* into *two* kinds; which is not done without a *reason*. The latter text, *Deut. xxii. 28, 29*, upon which he builds much, would not answer his purpose, if it were understood in its true sense, as applying to a case of *forcible violation*. Yet he himself tells us, "That the Jewish doctors construe this into that sort of *violence and constraint*, which we call a *rape*."* Now will our author pretend,

* Page 28.

that

that he understands the Hebrew language and the Hebrew laws *better* than the *Jewish* doctors do themselves? Indeed he criticises the words *פָּנָה* and *שָׂנָה*, and allows that the *former* implies a rape; but he would have the *latter* understood, in this passage, as implying a simple *taking* without *violence*. But if he please to consult Dr. Taylor's *Heb. Concord*, he will find, that the latter *commonly* means to seize *violently*. However he says, "We must conclude there is a reason for using different words at ver. 25," where he allows violence to be spoken of, "and ver. 28," where he denies it. And there may be the same reason for this variety, as there is for my using the different expressions, *force*, *forcible violation*, *rape*, &c. to express the same action. But that *שָׂנָה* does imply a *violent seizing*, is known to both Christians and Jews: and the determination of the latter alone, *upon this very*

text, would be more *decisive* than the scruples of *Tb.* to carry a cause. Moreover our author acknowledges, that the *septuagint* translation expresseth the offence, by a word implying *force*, *βία*. Are the judgment and learning of *all* ages to yield to *Tb.*? whose critical abilities cannot be estimated at a high rate; and whose judgment continually yields, on this question, to prepossession?

I shall now produce an *independent*, and in my opinion, a *decisive* evidence, that the law in question *does* relate to forcible violation.

The case of a rape committed upon a *betrothed* virgin, is provided for in ver. 25, as *Tb.* acknowledges, that of force used with an *unbetrothed* maiden *no where*, if not in the passage which we are considering, and which *immediately follows*. Now
will

will Tb. assert, that God provided against the forcible violation of a betrothed, and not of an unbetrothed virgin? It were an absurd supposition. Indeed the very order of the laws, is of itself the strongest presumption of their applying to a similar action; and this, corroborated with the real meaning of the word *וְנָס*, amounts to a conclusive evidence, that a rape is spoken of in both; agreeably to the opinion of the *septuagint* translators, the *Jewish* doctors, and the most valuable *Christian* divines.*

Since writing the above I have examined farther, and in consequence thereof, am furnished with an additional argument, which must satisfy, I think, every unprejudiced person. It must be noticed, that the text not only says, *lay hold of her*, but also, *and lie with her*; both of which circumstances are essential to a rape; and

* As Tb. is so amazingly attached to *authorities*, like a *lawyer* to *precedents*, I hope the above will satisfy him.

therefore

and therefore the weight of the argument
ought not to rest upon the single word
וַתִּשָּׂא, to lay on, catch hold of. Now there
is an instance, where this very Hebrew
verb is used to imply a preparative to a
to a kind of violent crim. con. indeed not
a rape, because the person who laid hold
of the other happened to be of the female
sex; otherwise it would have proved one.
“And she caught him, by his garment,
saying, lie with me.” Gen. xxxix. 12.

I may now certainly be allowed to infer,
that there is no foundation for supposing
that the two Mosaic laws above quoted re-
late to different kinds of seduction. The first
does refer to seduction, but without regard
to the circumstances which might attend
it. The latter to forcible violation.

I am well aware that *Tb.* allowing the
above inference, might still urge, that in
a case

case of a *rape* at least, the personal union seems to constitute a *real* marriage, because nothing is said concerning the father's power of *refusal* in the last quoted law. "The man that lay with her shall give unto the damsel's father fifty *shekels* of silver, and she shall be his wife." This is not accompanied, as in the case of *seduction*, with the words, "If her father utterly refuse to give her unto him." I shall therefore, (after repeating what I have before suggested, that the fifty *shekels* of silver are to be understood as the marriage dowry, and would therefore be accompanied with a *matrimonial contract*, and that the words, "she shall be his wife," very ill express the sentiment "she is his wife") offer some farther reasons to convince the reader, that the words "If her father utterly refuse to give her unto him," are to be supplied in the passage under consideration.

But

But first I must observe, that the laws of *Moses* were not understood by the Jews themselves, to have been so full and explicit, as to need no interpretation, and to preclude all reasoning upon them. If this had been their opinion, we should not have found amongst them an order of men entitled *lawyers*, who were by profession *expounders* or *explainers* of the law. I now proceed to my reasons.

The propriety of the father's possessing a power of *refusal* in the case of *seduction*, will I imagine be clearly seen. For we know, that women of good sense, real modesty, and the most amiable virtues, have been, and too frequently are (at an unguarded moment) *seduced*, by men of weak understandings; for cunning is oftner the property of fools than of the wife; men of profligate manners, morose
temper

temper, and ruinous expence; and with whom a *lasting* connection must prove the the severest of torments. How happy, how thrice happy! was such a deluded fair one amongst the *Jews*, who had a relation to forbid the *marriage*, when the infamous betrayer offered to accept of her in wedlock after her violation! That the father possessed this power is already proved, though *Tb.* denies it. But *he*, notwithstanding all his *professions* of promoting *female security*, utterly disregards *female sensibility*, and *female interest* and *happiness*. He hath taken more pains to assert the *lordly authority* of the *husband*, than the true *honour* and *felicity* of the *wife*.

But if there be this *evident propriety*, in a relation's preventing the marriage of a *deluded* woman with a *rascally seducer*, will not the argument apply, with *tenfold* force,

force, to the case of a lady who has been *violently disgraced*? Suppose the ruffian to have been one of the meanest of the people, one that had no claim to be numbered amongst the human race; but the figure and strength of a man; had the *wretched* female no friend to prohibit the claim of the violator from taking effect? and to say, "Thou art unworthy of her, nor shalt thou be rewarded for thy guilt, with one of so unpolluted a *heart*?"

I ask, if any person of reflection can suppose, that the father's concurrence was necessary in the case of *seduction*, and *precluded* in that of *forcible violation*? A damsel *enticed* hath an *affection* for her *seducer*; a woman forced, an *abhorrence* of him. In which instance then, is the *matrimonial* union most natural and justifiable?

I would

I would further ask, whether laws representing *personal connection* with an *unbetrothed* maiden as an act of *marriage*, would not have proved temptations in the way of the *lowest* to *force* themselves into the families of the most *noble*, had there not been somewhere a power of *negation*, lodged? According to our author's doctrine, a *rape* and *fifty shekels of silver* might have made a man son-in-law to the king of Israel; however mean his birth, however wretched his condition, however depraved his morals! Reader, *is this, was it ever, can it be the law of God?* Wilt thou admit, that the violence of a ruffian destroys all distance of rank and education, and unites the *lamb* to the *wolf*? Canst thou believe, that God ever allowed and enjoined it?

I ask, thirdly, whether the forcible violation of a virgin, can, by a law of God,

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be supposed to deprive not only the daughter of her *choice*, but the father of his right of *consent*? If so, what an accumulation of injury! *All* to be rectified, by a forfeiture of merely the *same* sum, which would have been paid by a man of worth, every way suitable for the daughter, in *honourable marriage*!—Judge, ye parents, ye daughters, judge! whether this be God's law. If it was under the Mosaic dispensation, the prohibition of divorce must have been but a *wretched* consolation to a *virtuous woman*, who had been forced by a worthless profligate; and must have operated, as an unspeakably *severer* punishment to *her* than to *him*. On the whole, therefore, I conclude, that the father's *refusal* was equally valid in the case of a *rape*, as in that of *seduction*.* And, if the fore-

* Upon our author's principles, it should be observed, that a *rape* committed upon an unbetrothed damsel was perfectly innocent; for it was merely an act of marriage! who will subscribe to this doctrine?

going reasoning authorises my conclusion, the law in *Deut. xxii. 28, 29*, as well as that in *Exod. xxii. 16, 17*, is point blank against our author's doctrine, "that the personal union is the act of marriage." And I have deprived him of his *fundamental* arguments, both from the OLD and NEW covenants.

I shall now press our author into my service; for he is both *able* and *willing* to prove, "That *personal union* was *not* even *necessary* to create the relation of *husband* and *wife*; nay, that something, *inferior* to what *we universally* mean by *marriage*, was sufficient for this purpose."

"So strict, says he, is the law with regard to this offence (*adultery*) that it even reaches to the defilement of a betrothed woman; who in God's sight, is reckoned as the man's WIFE, to whom she

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"is

"*is* BETROTHED."* Yet *betrothing* preceded marriage, and *marriage* preceded the *personal union*! How little care does *Tb.* take of his *own* offspring, his *dearly beloved* *personal union*! But indeed he gives a very satisfactory reason for his negligence; by quoting in *proof* of the above declaration, Deut. xxii. 23, 24, "If a damsel that is a
 " virgin be betrothed unto a HUSBAND, and
 " a man find her in the city, and lie with
 " her, then ye shall bring them both out
 " unto the gate of that city, and ye shall
 " stone them with stones, that they die:
 " the damsel, because she cried not, being
 " in the city; and the man because he
 " hath humbled his neighbour's WIFE."†—
 Observe the reflection of *Tb.* upon this occasion---"Such is the law of the Most
 " HIGH against *adultery*, or the *defilement*
 " of a man's WIFE."

* Page 62.

† Page 63.

This

This is the *same* writer who so frequently inculcates, that "if they have not been united" carnally, "they are not *one flesh*," husband and wife, in the sight of God." Indeed he does take care, in *one* place, to guard this expression, by adding, "unless" "by anticipation, *as it were*, with respect" "to the mutual promises made to each" "other, which the sacred scriptures call" "*betrothing* or espousing." +

Now because, *as it were*, often serves for a cover to *nonsense* in declamatory harangues, when we find it used in *argumentation* we are led to suspect nonsense, and are seldom disappointed in our expectations. "The *betrothed* persons were *not* husband and wife in God's sight before union; and, they *were* husband and wife before union in God's sight. Yes, but

then it was only by anticipation, *as it were.*" That is to say, In God's sight they were *husband* and *wife*, *before* they were *husband* and *wife* in God's sight; or else, *before* they were *really husband* and *wife*, and so God's sight was *erroneous*! This is no bad specimen of our author's logic.

The truth is, that the betrothed parties were, by the *Mosaic* law, considered as *husband* and *wife*, *before* they had even *contracted marriage*. As our author has very honestly and satisfactorily proved, by the above quoted law.

Is it not *most astonishing*, that the very *code of legal institutes*, upon which *Tb.* lays so great a stress, as *implying*, or rather *proving*, that the personal union *alone* created the relation of *husband* and *wife*, should so far differ from our *own*, as to regard a man and woman in the light of *husband* and *wife*,

wife, and provide for their *security* and *honour* as such, not only *before* the personal union, but even *before* the marriage-ceremony, which was introductory to it.

Notwithstanding the above *unexpected* concession, our author would persuade us, that there was no marriage-ceremony amongst the Jews! "The business of marriage," says he, "was left as at first ordained, to the simple act of union."

To corroborate this assertion, he quotes the *Univ. Hist.* as follows. "As for the manner of celebrating marriages, *Moses* has left no direction about it. We do not find it accompanied with any religious ceremony, such as going to the tabernacle or temple, offering sacrifices, or even that it was performed by or before a priest."

* Page 24.

In consequence of this observation of the historian, *Th.* tells us, "We find no *marriage-service*, or religious *ceremony* of an *outward kind*, so much as mentioned."*

The reader will please to observe the *artifice*. *Th.* durst not say *marriage-ceremony*, or religious-service, because he knew a *marriage-ceremony* was used, and is frequently referred to. But the words *marriage-service* are intended to lead the mind to something resembling our church-form: and of course to prepare us, for the absurd and *false* conclusion, that "the business of *marriage* was left to the one simple act of union."†

Now in the *Mosaic* law, the phrase to *endow to be his wife*, plainly means to marry with *dowry*. And the payment of
dower

* Page 23.

† Page 24.

dower must necessarily require *some form*. There must have been a *writing*, at least, declaratory of the payment of the *sum*, with the *reason* for which it was *paid*; and *this* must have been properly *attested*. If nothing further passed upon the occasion, *this* was certainly a *marriage-form*, or a *marriage-ceremony*; though not, in our author's sense, a *marriage-fervice*. But that the *bill of dower* was an *actual contract of marriage*, I have already *proved*.

Moreover, frequent mention is made of *marrying* and *making marriages*. Do these expressions mean no more than a man having personal knowledge of a woman? The whole *earth* will decide against our author. *Marriage* doth *everywhere* import a form or *ceremony* previous to such knowledge, and without which, personal union is generally esteemed *unlawful*.

Besides the above expressions, we find also that of *giving* in marriage. Surely here is some *form* implied. A woman would not be given without *witnesses* of the gift, a *declaration* of the intention with which she was given, and a *writing* properly *attested*, to secure her from the charge of whoredom. And this *of itself* is truly a *marriage-ceremony*.

I shall now also quote the Univ. Hist. and give the reader part of the paragraph which *precedes* that with which our author has *favoured* us. Speaking of the method of the *Jews* in *contracting* and *celebrating* their marriages, the historian expresses himself as follows: "The former
 "(*contracting*) was transacted by the parents and relations on both sides; and
 "when the matter was agreed, the bride-
 "groom was introduced to his bride; pre-
 "sents

“ fents were exchanged on all fides, the
 “ *contract* was figned by *witneffes*, and af-
 “ ter confummation, the bride tarried fome
 “ time with her relations.” *

How extremely fhort-fighted was our
 author, that he could not perceive this
 paffage, in the neighbourhood of his *fa-
 vourite* quotation? and how unfortunate
 to refer us to the fpot, where we were fure
 to find it, at the very time he was affert-
 ing, that “ the bufinefs of *marriage* was
 left as at firft ordained, to the fimple *act*
 of *union* !” †

But *over and above* the particular forms
 which are already fhown to have prevailed
 under the *Mosaic* difpenfation in refpect of
 marriage, the *learned Grotius* hath told us,
 that “ amongft the laudable customs which

* *Universal Hift.* vol. II. 179, *new edition.*

† Page 24.

“ the

the *Jews* received from the *fathers*, this
 “ was one; to celebrate marriage not in a
 “ *private*, but in a *public* manner; in an
 “ assembly of the *pious*; and that it was
 “ accompanied μετ' εὐλογίας, with a prayer
 “ of blessing, the form of which still re-
 “ mains in their rituals,* which the an-
 “ cient Christians imitated as well as se-
 “ veral other *Jewish* practices.”†

Hence we learn, that there was not on-
 ly a marriage-ceremony, but something like
 a marriage-service amongst the *Jews*. For
 if the marriage was not considered as
 strictly a religious-ceremony, yet we find
 religion was not *absent*. And this the
Jews had received from the FATHERS. This
 shows, that the religious-service was not a
 novel affair with the *later Jews*.

* If any gentleman, *Jew* or *Christian*, will oblige me with
 a copy of the εὐλογία, it will be esteemed a *favour*, and
 shall be presented to the *public*, if I have occasion to write
 again on this subject.

† Grotius Annot. in Matt. xxv. 1.

But

But I am so indifferent to the *religion* of the ceremony, and to *our* church form, or any *other* church form whatsoever, that I should not have been sorry, if *Tb.* could have *proved* that the *Jews* never regarded marriage in a *religious* view. But I think it unworthy of a man, who *pretends* to so much openness and independence of sentiment as our author, to infer from the want of a *religious-service* (which there *once* was at least, and the *date* of its commencement he cannot fix) that there was no marriage-ceremony at all. Yet, he says, “We find every particular, down to the very pins in the tabernacle, every rite and ceremony, even to the minutest circumstances, exactly delineated and revealed. But we find no marriage-service, or religious-ceremony of an outward kind, so much as mentioned.” Upon which he concludes, that “the business of marriage
“ was

“ was left as at first ordained, to the *one* “ simple *act* of *union*.” Is this a *fair* conclusion from the premises? On the contrary, will it not follow from the *silence* of the laws on this subject, that the *customary* marriage-ceremony, was such as God *approved*, and therefore, that all directions on *that* head were unnecessary?

It is proper in argumentative writing to give some *relief* to the reader; he will not therefore be displeased to indulge a *laugh*. The occasion I will furnish, by laying before him, what *Th. sagaciously* observes, concerning our *established form or ceremony*.

“ When, *as he expresseth himself*, I say, that “ the *marriage-service of the church*, does “ not constitute a marriage in the sight of “ God, I say true, because by finding no “ such *service* in the *bible*, and that marriages were had and *solemnized** without

* Our author acknowledges that marriage was *solemnized*.

“ it, I therefore conclude *that* cannot be
 “ *it*, which constitutes a marriage in the
 “ sight of God; for, if so, I must suppose
 “ that people, before the *invention* of such
 “ *service*, were not *married at all*, but lived
 “ in sin, which is absurd and impossible.”*

I wonder who but *Th.* would have looked for *Christian* forms and prayers, &c. in a *Jewish* code of laws! I also must wonder, if any person ever thought of charging with *sin* those who were married without *our* church-service *before* its *invention*, as *Th.* terms it. And who they are, or where to be found, that do not acknowledge the forms of marriage used in *all* nations upon earth, to be real and valid forms in the sight of God, I know not.

I now proceed to show, that as the *later Jews* received the *religious* part of the

* Page 40.

marriage-

marriage-form from *their* fathers, so their fathers received the civil form at least, from *their* progenitors.

This is evident from the universal prevalence of the custom of contracting marriage with dower under the law.

And let us go back to the times before the giving of the law, still we shall find the same custom to have prevailed. *Shechem* expressly offers any dowry for *Dinah* after her violation, in order to obtain the consent of her friends to his marrying her. For neither *he* nor his father, neither *her* father nor *her* brothers had the least conception of the doctrine of *personal-union* advanced by our author. *Shechem* entreats his father to get him this damsel to wife, after personal union. "And *Hamor* communed with them, saying, "The soul of my son
Shechem longeth for your daughter: I
 " pray

“ pray you give him her to *wife*.” Gen.
 “ xxxiii. 8. And *Shechem* said unto her
 “ father, and unto her brethren, Let me
 “ find grace in your eyes, and what ye shall
 “ say unto me, I will give. Ask me ne-
 “ ver so much *dowry* and gift, and I will
 “ give according as ye shall say unto me:
 “ but *give* me the damsel to *wife*. And
 “ the sons of *Jacob* answered *Shechem* and
 “ *Hamor* his father deceitfully: and said,
 “ because he had *defiled Dinah* their sister.”
Defiled! surely not so. Upon our author’s
 scheme, the personal union is *marriage*;
 and a woman is not *defiled* by *marriage*!
 This fairly shows, how different the ideas
 of mankind, at this time, were on the sub-
 ject of personal intercourse between the
 sexes, from our author’s. They stile *that* a
defilement, which he esteems a *marriage*!
 But to proceed with the narrative; “ And
 “ they said unto them, We cannot do this
 “ thing, to *give* our sister to one that is
 “ uncircumcised:

“ uncircumcised ; for that were a reproach
 “ unto us. But in this will *we consent*
 “ unto you : if ye will be as we be, that
 “ every male of you be circumcised ; then
 “ will be *give* our daughters unto you,
 “ and we will *take* your daughters to us,
 “ and we will dwell with you, and we
 “ will become one people. But if ye will
 “ not hearken unto us, to be circumcised,
 “ then will we *take* our daughter, and we
 “ will be gone.” What would they *take*
 the *wife* of the prince *from him* ? Certainly
 not, but a *sister*, who had been *defiled* not
married.

Can any thing be more conclusive against
 our author ? Here are the offer of dower ;
 and a *formal gift* of the *violated* woman
required, refused, and upon terms, at length
consented to. Certainly a *form* was in use
 at this time, and the very *same* form, as
 continued under the whole of the *Mosaic*
 dispensation ;

dispensation; and remains amongst the *Jews* to this day. Who are a people so tenacious of their *ancient* usages, that in most important instances you may safely infer, that what is *now* customary with them, was also customary in *former* ages.

I have thrown *this* narrative concerning *Shechem* and *Dinah* a little out of its *chronological* order, to avoid an interruption in the following *series*.

When *Jacob* fell in love with *Rachel*, and offered to serve *Laban* seven years for her, *Laban* answers, "It is better that I
 "give her to thee, than that I should give
 "her to another man." And when the term was compleated, "*Jacob* said unto
 "*Laban*, give me my wife, that I may go
 "in unto her." Gen. *xxix.* 21. Hence it is plain, that *Jacob* had no notion of a right to the personal union, till the form

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of the father's *giving* his daughter had taken place. And then *Laban* gathered together all the men in the neighbourhood (no doubt, *some* of them *at least* as *witnesses* of the *marriage*) and made them a feast.

When *Abraham's* servant asked *Bethuel* and *Laban* for *Rebekah*, "they answered, "The thing proceedeth from the *Lord*;" "we cannot speak unto thee bad or good;" that is, *we* have no right to interfere in the matter, because the will of God evidently appears, and shews that the *Lord* has given her unto *Isaac*. "Behold, *Rebekah* is before thee, *take* her and go, and let her "be thy master's son's wife, as the *Lord* "hath spoken." The nature of the case did not allow the *exact* form upon the *spot*. *Isaac* was at a distance. But still here is a *gift* from the father and brother. "And "the servant brought forth jewels of silver, "and

“ and jewels of gold, and raiment, and
 “ gave them to *Rebekah*; he gave also to
 “ her brother and to her mother precious
 “ things.” Hence we see, that the custom
 of making *presents* on the occasion, men-
 tioned by the *Universal historians*, pre-
 vailed at this early period. When *Isaac*
 met her, he brought her into his mother
Sarah’s tent.

Here I shall introduce a note of the
learned Grotius. “ It doth not appear to
 “ have been a constant custom, for the
 “ bride to go to the house of the bride-
 “ groom upon the day of *betrothing*, though
 “ *Chrysostom* affirms it, *probably* because it
 “ was a custom in his time at *Antioch*.
 “ Since the *Jews* themselves differ on that
 “ head, it is most likely, that each might
 “ consult their own convenience in this
 “ matter. For *Rebekah* was brought to
 “ *Isaac* before the *nuptial solemnity* was
 F 2 “ performed;

“ performed; because it was inconvenient
 “ to him to go over to *Mesopotamia*. On
 “ the other hand, *Sampson's* bride *conti-*
 “ *nued* in her father's house. And, that
 “ this was most customary may be, with
 “ sufficient probability, inferred from
 “ Deut. xx. 7. But this is certain, that
 “ the woman who was *betrothed* remained
 “ *untouched*, till the *marriage* was *per-*
 “ *formed*, with solemn prayer, before an
 “ assembly called together for that pur-
 “ pose. A custom, not indeed commanded
 “ by the *law*, but in my opinion, derived
 “ to them from their earliest progenitors.”

After, therefore, we are told, that *Isaac*
 conducted *Rebekah* into his mother's tent,
 the text does not describe him as *going in*
unto her, without farther ceremony; but
 proceeds, “ And he *took Rebekah*, and she
 “ became his *wife*;” that is, he took her to
wife after the customary form.

Of

Of *Abraham's* marriage, all the account we have is briefly this, " And *Abraham* and *Nahor* took them *wives*." Upon which no argument can be founded. But it will lie upon *Tb.* to show, that they *took* them in an *irregular* manner. A task which he will not dare to undertake.

I shall now produce a proof of an *antediluvian* marriage-ceremony. And *this proof shall be decisive*. My authority is no other, than the testimony of the *holy Jesus*, who spoke the words of *truth*. See Matt. xxiv. 38. " For as in the days that were " *before the flood*, they were eating and " drinking, *marrying* and *giving* in marriage, until the day that *Noe* entered into " into the ark, so shall also be," &c. And Luke xvii. 26, 27. " And as it was in the " days of *Noe*, so shall it also be in the " days of the son of man. They did eat,

“ they drank, they *married* wives, they
 “ were *given* in *marriage*, until the day
 “ that *Noe* entered into the ark.”

Here is no room for *evasion*; *marrying*,
giving, and being *given* in *marriage*, are
 words absolutely *descriptive* of some cere-
 mony previous to *personal-union*, though
 most probably not of the *whole matrimonial*
form. And as the above texts do fully
 show some *form* to have been observed,
 “ until the day that *Noe* entered into the
 “ ark;” so they also show, that some cere-
 mony was used even to the very end of the
Jewish state; “ so shall it also be in the
 “ days of the son of man.” And (as our
 author *would do well to notice*) if these
 words refer also, as they most probably do,
 to the day of the dissolution of this world,
 they may teach him some *modesty*, and give
 him to understand, that he is not only
fighting against God, but that his *defeat* is
certain.

certain. For, “ *In the days of the son of man they shall marry, give, and be given in marriage.* The *form*, as above described, still continues amongst the *Jews* in their *dispersion*. From the *Jews* the *Christians* derived their *forms*, in several respects the *same*. But *he*, that would teach the sexes to copulate like *brutes*, may be assured, that the pious and virtuous, the friends of men and lovers of God, will ever hold his *doctrine* in *detestation*, and either *pity* him as a *weak man*, or *abhor* him as a *bad citizen*.

Let us now stop for a moment, to review the ground we have trodden. We have seen, that a matrimonial *form* prevailed under the *Jewish* dispensation; that a similar *form* was used in the patriarchal ages; that before the flood, “ until the day that “ *Noah* entered into the ark,” it was observed; and that GOD united the first PAIR in a solemn and *formal* manner. That a

form has been constantly used since the introduction of *Christianity*, there cannot be the least *doubt*. So that the reader must be *convinced*, that from the creation of the world unto the present day, the practice of God's *people* hath been *directly* opposite to *that* which our author recommends; to which I must add, that *marriage* in *all* nations, (or *nearly* in all) as *history* shows, hath *ever* been contracted by *some* ceremony, previous to *personal-union*; and continues to be so.

What *Goliath* in wisdom is this *Th.* who has discovered, that all people, languages, and tongues, since the beginning of things here on earth, are, and have been fools; *lading themselves with grievous burthens unnecessary to be borne?* *Who* is he, that charges even the Almighty with *folly*, and speaketh against God? representing *him* as uniting *Adam* and *Eve* with a form; and,
at

at the very instant, *commanding* that no *form* should be used! Who is this, that, *shrinking back from the view, and not daring boldly to avow himself*, indirectly accuses his *married* brother, with violating the command of his *Maker*; because, not

“ Like the full-acorn'd boar a churning on,”

But in a *decent, solemn, formal* manner, he hath proceeded, before the indulgence of familiarities with the woman of his affections?

I do *insist*, that if the Deity hath *enjoined* a particular *matrimonial-ordinance*, it is *sinful* to deviate from it. Yet *Th.* does *assert*, that “ Marriage, as at *first ordained*, is the one simple *act* of union!”

Ye *potentates*! permit your subjects to confound all order and decency, and fight not against the MOST HIGH!

Ye

Ye *senators*! destroy your matrimonial laws!

Thou hardened *villain*, thy *rape* is *honesty*! Why shouldst thou not chuse thy *wife*? The *laws* of God allow thee to indulge thy *lust*. Be free. Take where thou pleasest, and as *many* as will content thine almost exhaustless desires. And be sure to chuse the *wealthiest*, and the most *noble*!

Thou *modest Youth*! why dalliest thou with thy passion for the fair innocent maiden? she was formed to be thy *prey*! Marriage is honourable. Prevail with her by entreaties, oaths and promises, to indulge the fervour of affection, and she is yours! But if oaths, promises and entreaties *fail*, the *scriptures* befriend thee. Let the lusty arms of youth embrace her, and she

she is thine own *for ever* !—Timid mortal!
 thou hast been deceived, and *all* thy pro-
 genitors were fools. Seize the *golden* op-
 portunity of *conviction* held out to thee!
 Soon the world will return to the same
torpor of understanding, with which they
 have been hitherto cursed; till *Th.* nobly
 stood forth thy friend! At *this* moment
 it is *lawful*, that

“ Lust and liberty

“ Creep in the minds and marrow of our youth:

“ That ’gainst the stream of virtue they may strive,

“ And *drown* themselves in *riot*.”

Ye *fathers* ! ye *mothers* ! whose honest
 exhortations have instructed your *lovely*
 daughters to adhere to the paths of *honour*
 and *happiness* ; whose watchful care has
 hitherto preserved them from the force of
 passion and affection, and the arts of the
deceiver, *abate* your attention. It is need-
 less: no maiden *unbetrothed* can be *de-*
bauched; she can only be *married*. Nature
 intended

intended her for a *wife* : your *wishes* concur with the design of nature ; and fight not against yourselves. Let her wander *unattended*, where a votary of *Pan* may unloose her virgin-zone : she is not *defiled*, but returns to you an *honourable WIFE*.

And thou, *fair virgin* ! who art not under actual engagements to *marry*, behold what a field of *liberty* is opened unto *thee* ! If thy *parents* refuse their *consent* to the man of thy heart (no matter whether *married* or *unmarried*) *grant* him the most he can *ask*. Then the *filly dotards*, whose counsel would have restrained thee, are effectually disappointed, thy wishes gratified, and the laws of God not violated. Weep not, should a son of violence ravish from thee thy chastity. He hath conferred upon thee an honour. From that moment, thou becomest a respectable *matron*, and doubtless wilt *glory* in the *title* !

Thou

Thou *husband*! be not so *fond* as to imagine thyself confined to the *wife* of thy youth. That fair damsel, whose skin of snow, and peachy countenance attract thy attention, is not *betrothed*. By art or violence thou mayst make *her* thy *wife* also. The laws of God will not condemn thee! take her to thyself; take her charming companion, take whom thou wilt, and make thyself *happy* with the *wives* of thy bosom.—*If thou canst!*

Thou *wife*! to *thee* I now address myself. Ill-nurtured, as thou hast been, thou claimest the *sole* possession of thy husband's love. False idea!—Thou thoughtest, that thou wert made for *affection*, for *friendship*. Thou hast given thy *love* without reserve to the man on whom thy heart doateth, and expectest a return in kind. Absurd expectation! the *friend* of *females*, who
hath

hath been at the pains of composing and compiling *three* large octavo volumes for thy *service*, will convince thee, O wife! that *thy* heart may *not* be divided; but that of thy *liege lord*, thy *husband*, is more *capacious*: and *happy* art thou to esteem thyself, if he bring unto thee, under thy roof, a sister *slave*, whom he hath *debauched*, or *forced* to partake in thy rites! Nor art thou to murmur, be her morals ever so *vicious*, her deportment ever so *injurious*, or her wrath ever so *tremendous*! Nay, however thy fellows of slavery be *multiplied*, thou art still to rejoice, and make thyself *happy*. The handkerchief may be sometimes thrown to thee!

Ye *brutes* of the creation! who *each* of you live upon the labours of *one* wife, mend your condition; take unto yourselves *more*, they will support you *better*, they will gratify your taste for *variety*, they will make you as *happy*, as *mankind-brutes* ought

ought to be! and humbly thank the author of *Thelyphthora*, who has kindly pointed out to you a way, by which you may at once *indulge your lust, your laziness, and your importance* amongst your fellow-brutes!

I *confess*, that my *indignation* has led me from my *argument*; and I *almost* believe, that it is *impossible* to converse with *Thelyphthora*, without learning the *Art of rambling*. But to return.

I demand, in what part of the sacred writings has God expressed his *disapprobation* of a marriage-form, and prohibited his creatures the use of one? What probable reason can be assigned for God's *dislike* to such *form*? Is there any *moral* turpitude in it; and how may we prove such *turpitude*? Is there not a *moral propriety* in it, and is not this propriety *easily discoverable*? Doth it not seem strange that God
should

should expressly ordain that no ceremony should be used, when he himself used one at the *first* marriage? Our author, who pretends to understand the will of God better than any human being whatsoever,* *owns*, that, “ some ceremony is expedient “ for *many* good and laudable purposes : “ as for the public recognition of the “ mutual engagements of the parties to “ each other ; to ratify their union as to “ inheritances, and *many other* laudable “ ends of civil society.”† Also, that such ordinances “ have an *excellent* use ; and, in “ this mixed state of things, are NECES- “ SARY to maintain that order and de- “ cency, which are so *necessary* for the regu- “ lation of the outward actions of men.”‡

Would God discourage those things which are NECESSARY to *order and decency amongst men* ? I should much sooner suppose that God had *commanded* them ; and

* See *Thelyptbora passim*.

† Page 41.

‡ Page 40.

that,

that, if no such *command* be to be found in express terms, the records of it are *lost*.

When I found no direct *written command*, I should look about me into the world, and observe, if there were any *appearances*, from which such a *command* might be fairly inferred: and when I had discovered, that *some* marriage-form or other, is adopted by all the world, and that this hath *always* been the case, for ought that appears to the contrary, I should conclude, that it *was given*. And with much greater confidence should I *thus* conclude, when I found, that *sacred history* authenticates the practice from the *beginning*. When I had further seen, that the scriptures testify, that the *first* PAIR, before *personal-connection*, had been united in a solemn manner by the Deity, who brought the woman to the man, presented her to him, and gave them his divine and gracious *blessing* upon their union; no *suspicion*

no

G

would

would remain that the *command* might *not* have been *delivered*; or, to express myself in the most *modest* terms, that the *example* was intended as a sufficient *proof* of the *will* of the MOST HIGH, and therefore, in all respects *equivalent* to a *command*.

But though *I* do *believe*, that such a command was *actually* given, and think *this* the *best* way to account for the *universality* and *constancy* of the practice, the *reader* will draw his own conclusion from the premises.

Yet I shall *ever* esteem them, who venture upon the personal-union without *marriage* or a previous form, after such strength of argument for it, as *daring profligates*, who fly in the face of the Almighty.

I must *always* be of opinion, that what God has *done*, is as strong an evidence at least of his *intention*, as any *verbal* injunction,

On

On the other hand, *could* I suppose, that the Deity hath limited the business of marriage to the personal-union, I should esteem the whole *married* world, and also *myself* amongst the rest, as *daring opposers* of their *Maker's* will; and should entreat the *unmarried*, as they value the favour of God, to *marry* after the *pattern* of the poor innocent *brutes*: notwithstanding it might *eventually* prove "the destruction of *all* order and decency amongst mankind:" looking forward to a world, where, as "*they neither marry nor are given in marriage,*" the disorders arising from their obedience to the divine will, in this instance, cannot possibly take place.

Before I conclude, I would observe, that in the *first matrimonial-union*, there were *all* the circumstances, which can be esteemed *essential* to a marriage, except *one*, namely, the *want* of *witnesses*; who were wanting only from the *necessity* of the case. There was, no doubt, the *inclination*
of

of the *parties* towards each other ; there was the *concurrence* of him who *alone* had a right to dispose of them in marriage ; there was the *presenting* of the woman to the man : and there was the *blessing* upon their union ; and *all* under the direction of the GREAT GOD of *heaven* and *earth*, the UNIVERSAL LAWGIVER.

With this evidence I take leave of my reader ; and hope, if he hath ever entertained a doubt concerning the necessity of a matrimonial-form, he is by this time convinced, that the personal-union is *unlawful without one* ; and *therefore*, that he doth *not* contract *marriage* with an *unbetrothed* virgin whom he may *force* or *seduc*e : but is answerable for a *great* and *real* CRIME.

F I N I S.



ERRATA. Page 64, l. 5, for *be* read *we*. — Page 67, l. 20, for *consult* their, read *consult* his.